

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES WOODHAM,	:	
	:	
Plaintiff,	:	No. 4:CV-03-0664
	:	
vs.	:	(Complaint filed 04/21/03)
	:	
DONNA M. DUBAS,	:	(Judge Muir)
	:	
Defendant	:	(Magistrate Judge Smyser)

ORDER

August 9, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On June 10, 2005, we issued an order in which we denied Plaintiff James Woodham's motion to appoint counsel to represent him in this civil case. On June 20, 2005, Woodham filed a motion for reconsideration of that order. Woodham filed a brief in support of the motion for reconsideration on June 23, 2005. After being granted an extension of time to file an opposition brief, on July 21, 2005, Defendant Donna M. Dubas filed a brief in opposition to Woodham's motion for reconsideration. Woodham filed a reply brief on August 1, 2005, thereby ripening for disposition his motion for reconsideration.

A motion for reconsideration is a device of limited utility. It may be used only to remedy manifest errors of law or fact or to present newly discovered precedent or evidence which, if discovered previously, might have affected the court's decision. *Harasco Corp. v. Zlotnicki*, 779 F.2d 906 (3d Cir. 1985), *cert.*

denied, 476 U.S. 1171 (1986). It has also been held that a motion for reconsideration is appropriate in instances such as where the court has misunderstood a party, or has made a decision outside the adversarial issues presented to the court, or has made an error not of reasoning, but of apprehension. See Rohrbach v. AT & T Nassau Metals Corp., 902 F. Supp. 523, 527 (M.D. Pa. 1995), *vacated in part on other grounds on reconsideration*, 915 F. Supp. 712 (M.D. Pa. 1996).

The arguments Woodham asserts in his motion for reconsideration of our June 10, 2005, order are not based on any of the recognized grounds for granting such relief. Woodham neither points out any manifest error of law or fact nor presents any newly discovered precedent or evidence. He has presented no sufficient reason to disturb any of the findings or conclusions set forth in the order of June 10, 2005. Woodham's motion for reconsideration is merely based on his disagreement with our denial of his motion to appoint counsel.

We will deny Woodham's motion for reconsideration.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Woodham's motion for reconsideration (Document 117) is denied.

s/Malcolm Muir
MUIR, U.S. District Judge

MM:ga